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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

VERIZON WIRELESS,)
)
Respondent.)
)
and)
)
COMMUNICATIONS WORKERS OF AMERICA,)
AFL-CIO,)
)
Charging Party.)
_____)

Case 02-CA-157403

VERIZON NEW YORK INC., EMPIRE
CITY SUBWAY COMPANY (LIMITED),
VERIZON AVENUE CORP., VERIZON
ADVANCED DATA INC., VERIZON
CORPORATE SERVICES CORP.,
VERIZON NEW ENGLAND INC.,
VERIZON SERVICES CORP. AND
VERIZON NEW JERSEY INC.,

Respondents

and

COMMUNICATIONS WORKERS OF
AMERICA (“CWA”),

Charging Party.

VERIZON PENNSYLVANIA INC.,
VERIZON SERVICES CORP. AND
VERIZON CORPORATE SERVICES
CORP.,

Respondents

and

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 2-13, AFL-CIO,
CLC,

Charging Party.

VERIZON WASHINGTON, D.C. INC.,
VERIZON MARYLAND INC., VERIZON
VIRGINIA INC., VERIZON SERVICES
CORP., VERIZON ADVANCED DATA INC.,
VERIZON SOUTH INC. (VIRGINIA),
VERIZON CORPORATE SERVICES CORP.
AND VERIZON DELAWARE INC.,

Respondents

and

COMMUNICATIONS WORKERS OF
AMERICA, DISTRICT 2-13, AFL-CIO
CLC,

Charging Party.

Case 02-CA-156761

Case 04-CA-156043

Case 05-CA-156053

VERIZON CALIFORNIA, INC. AND
VERIZON FEDERAL INC., VERIZON
FLORIDA INC., VERIZON NORTH LLC,
VERIZON SOUTHWEST INC., VERIZON
CONNECTED SOLUTIONS INC., VERIZON
SELECT SERVICES INC. AND MCI
INTERNATIONAL, INC.,

Respondents

And

COMMUNICATIONS WORKERS OF
AMERICA AFL-CIO, DISTRICT 9,

Charging Party

Case 31-CA-161472

MOTION FOR RECONSIDERATION

The Board’s finding that section 1.8.1 was valid qualifies as one of the more outrageous decisions to come from this board, and there are many.

This Republican Board, consisting of three members stated: “Consistent with this principle, we reject the judge’s unsupported speculation that employees would refrain from engaging in Section 7 activity merely because evidence of such activity might be detected if their personal property or personal vehicle were searched.” 369 NLRB No. 108, slip op. at 5 (2020).

The Board is suggesting that employees will bring authorization cards and put them in their pockets and purses or otherwise keep them hidden notwithstanding this language if searches are threatened at any time. That’s quite ridiculous. Put in another way, the Board suggested that employees will have no concern about the employer discovering Union literature, paraphernalia or other material and won’t care about it being discovered by a search, routine or otherwise. That, again, is ridiculous.

The Board also goes on to state, “We do not believe that the remote prospect that a search might someday occur would have any material impact on the exercise Section 7 rights.” 369 NLRB No. 108, slip op. at 5.

First of all, there is nothing in the record to support that conclusion. The employer put on no evidence as to how remote the prospect is of searches. The board can’t presume that it is “remote.” In any case, no matter how remote it is, it hangs over the employees’ heads, and employees will

necessarily refrain from having any Union literature in their possession for fear of it being discovered in a search.

There will also be no way for anyone to prove whether a search was discriminatory. This has been a complaint of employers about the rule in pro per communications and applies equally to the rationale adopted by the Board.

The Board's statement is simply contradicted by Section 1.8.1. The rule doesn't state that the right to search is remote but rather states that "In addition, and as permitted by law, Verizon reserves the right to inspect, monitor and record ... with or without notice - and to search or monitor at any time any and all company property and any other personal property (including vehicles) on company premises." 369 NLRB No. 108, slip op. at 4 fn. 18.

The company's broad right to search is contrary to the Board's rationale.

In effect, the Board's decision says that employers have a right to tell employees that they will search, interrogate, and engage in surveillance and other activity at any time and any place. That itself, should be threatening enough to prevent employees from engaging in any section 7 activities.

Moreover, the Board's rationale utterly fails against itself. If the Board thinks that the right to search is utilized so infrequently, then it serves no legitimate employer purpose of deterrence. There is no effect, according to the Board members, who claim to know how workers react. Then why does Verizon maintain the right, which has no business purpose or effect? The Board's rationale is that employees act regardless of Verizon's right to search, so they bring into the facility or their cars unwanted material, i.e., contraband.

We don't think this Board probably cares. On the other hand, it will be a lesson to the newly appointed board by President Biden. They will have to require that employers who violate the law have to state affirmatively that they will not engage in searches, surveillance, or interrogation at any time, any place in the workplace. Only the opposite rule will have the effect of eliminating the adverse impact of the Board's decision in this case.

This motion for reconsideration should be granted.

Dated: July 22, 2020

Organize and Resist

AMY YOUNG

LAURENCE GOODMAN
WILLIG, WILLIAMS & DAVIDSON

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ David A. Rosenfeld
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Attorneys for the Charging Parties

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PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On July 22, 2020, served the following documents in the manner described below:

MOTION FOR RECONSIDERATION

- ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kshaw@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 22, 2020, at Alameda, California.

/s/ Katrina Shaw

Katrina Shaw